

RETURN DAY: AUGUST 15, 2017

SUPERIOR COURT

JOHN P. WRONOWSKI AND
SUSAN A. WRONOWSKI
V.

J.D. OF NEW LONDON
AT NEW LONDON

TOWN OF MONTVILLE PLANNING
AND ZONING COMMISSION,
AND SHAWN MEAIKE

JUNE 28, 2017

COMPLAINT AND APPEAL

1. The Plaintiffs John P. Wronowski and Susan A. Wronowski (the "Wronowskis") are individuals residing at 55 Oakland Drive, Oakdale, Connecticut 06370.
2. The Defendant Town of Montville Planning and Zoning Commission (the "Commission") is the duly designated zoning commission for the Town of Montville, exercising powers delegated to the Town of Montville by General Statutes Chapter 124, and has an address of 310 Norwich-New London Turnpike, Uncasville, Connecticut 06382.
3. The Defendant Shawn Meaike ("Meaike") is an individual residing at 218 Old Black Point, Niantic, Connecticut 06357.
4. On or about March 14, 2017, Defendant Shawn Meaike filed a zone change application with the Commission (the "Application") to amend the Zoning map of the Town of Montville (the "Map") to change the zoning designation of a certain 10.69 acre parcel of land located on the southeasterly side of Oxoboxo Crossroad and the southwesterly side of Oakland Drive, also known as 45 Oakland Drive, (Map 57, Lot 11) in the Oakdale section of the Town of Montville from R-120 District to R-80 district.
5. The Commission accepted the Application at its meeting of March 28, 2017, by operation of General Statutes § 8-7d (c).

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6. The Commission held a public hearing on the Application on May 9, 2017, which public hearing was continued to May 23, 2017, whereupon the public hearing was closed.
7. On June 13, 2017, the Commission voted 8-0 to approve the Application.
8. The minutes of the June 13, 2017 meeting state that the Application was approved as follows:

217 ZC 1- Shawn Meaie – 45 Oakland Drive (Map 51 Lot 11) Oakdale. Application for Zone Change from R120 to R80. Attorney Matt Willis, Town's Attorney of Halloran & Sage, provided Commission with explanation of the protest petition submitted at the Public Hearing. Discussion was held. COMMISSIONER TONER made MOTION, seconded by COMMISSIONER HILLSBERG to approve the proposed zone change application from R120 to R80 for the property located at 45 Oakland Drive (Map 51 Lot 11). The commission finds that the proposed zone change is in conformance with the Comprehensive Plan and the Plan of Conservation and Development, based on the findings and general discussion of the criteria contained in the staff report. The effective date of the zone change shall be July 3, 2017.

ROLL CALL VOTE: The following voted in FAVOR: COMMISSIONER: PIKE, SIRAGUSA, PIENIADZ, DESJARDINS, TONER, HILLSBURG, ESTELLE AND DUCHESNEAU. VOTE 8-0-0. MOTION CARRIED.

9. Notice of the Commission's decision was published in The New London Day on June 16, 2017
10. The Commission's decision to approve the Application is illegal, arbitrary, and capricious and constitutes an abuse of its discretion, for the following reasons:
- a. The Commission's conclusion that the Application is in conformance and consistent with the Town of Montville 2010 Comprehensive Plan of Conservation and Development is not supported by substantial evidence in the Record;

- b. The Commission's conclusion that the Application is in conformance with the Town of Montville Comprehensive Plan is not supported by substantial evidence in the record;
 - c. The Commission relied on erroneous, insufficient, and/or misleading information provided by its staff and Meaike in reaching its decision, in violation of General Statutes § 8-3 (c)
11. The Wronowskis are statutorily aggrieved pursuant to Connecticut General Statutes §8-8(a)(1) to appeal the Commission's decision on the Application as persons "owning land in this state that abuts or is within a radius of one hundred feet of any portion of the land involved in the decision of the board"; because they own and reside on a parcel of land at 55 Oakland Drive, Oakdale, Connecticut adjoining the parcel owned by Meaike and which was the subject of the Application.
12. The Wronowskis are further classically aggrieved by the Board's illegal, arbitrary, and capricious actions because as the owners of the property adjoining the land rezoned by the Commission's decision as their property value will be adversely impacted by the higher residential densities and traffic generated by future development on the adjacent land facilitated by the zone change.
13. As such, the Wronowskis have an identifiable legal and personal interest in the subject matter of the Commission's decision, and are therefore classically aggrieved to appeal the Commission's decision to approve the Application.

WHEREFORE,


THE PLAINTIFF CLAIMS:

1. A judgment of the Court reversing the decision of the Commission to approve the Application and denying the Application or directing the Commission to deny the Application;
2. A restraining order staying the Commission's decision on the Application pursuant to General Statutes § 8-8 (h);

3. Statutory Costs; and
4. Such other relief as in law or equity may apply.

THE PLAINTIFFS

JOHN P. WRONOWSKI AND
SUSAN A. WRONOWSKI

By: 

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STATEMENT OF AMOUNT IN DEMAND

The Plaintiffs claims relief of a non-monetary nature.

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